

REMARKS

Claims 1, 2, 4-13 and 15-22 are pending in this application.

Rejection of Claims 1 and 12 under 35 U.S.C. 102(e)

Claims 1 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Reuss et al. (U.S. Patent No. 6,406,426 B1).

The present invention as claimed in claims 1 and 12 recites an internet compatible system and method for displaying medical information derived from a plurality of sources. The system includes a communication network for acquiring ventilator parameters and settings associated with a patient on a substantially periodic basis and in response to a user command. The system further includes a device for prioritizing received ventilator parameters and settings for display in a desired order and for allocating an attribute to distinguish changed ventilator parameters and settings. A display generator initiates generation of data representing a display of the prioritized ventilator parameters and settings in the desired order and attributes for distinguishing the changed ventilator parameters and settings. These features, as will be discussed herein below, are neither discussed nor suggested by Reuss.

Reuss describes a central monitoring system connected to at least one of a therapeutic device, patient monitor and/or an integrated alert system. The system is able to deliver medical therapy to a patient and includes a patient warning function. The system is able to notify the central monitoring system upon receiving an alert signal.

Reuss does not teach a system comprising “a communication network for acquiring ventilator parameters and settings associated with a patient on a substantially periodic basis and in response to a user command” as in the present claimed invention. Column 3, lines 46-60 and Column 7, lines 27-43 of Reuss as cited by the Examiner merely shows that the therapy status data can be communicated to the patient monitor.

Nowhere in either of the cited passages does Reuss teach “acquiring ventilator parameters and settings associated with a patient on a substantially periodic basis and in response to a user command” as claimed in independent claims 1 and 12. In fact these passages are not even concerned with the acquisition of parameters and settings. Column 14, line 64-column 15, line 5 of Reuss is also cited by the Examiner as showing the above mentioned feature disclosed by claims 1 and 12 of the present invention. However, this passage recites that “periodically, the message server task queries all known remote access devices to determine if the message memory in some remote access device is becoming full.” This is not periodically acquiring ventilator parameters and settings associated with a patient as in the present claimed invention. Reuss is silent regarding an interval during which “ventilator parameters and settings” are acquired “on a substantially periodic basis” as in the present claimed invention. Nor does it describe “acquiring ventilator parameters and settings...in response to a user command” as in the present claimed invention. Reuss merely describes maintenance performed on a message system. This is unlike the present invention as claimed in claims 1 and 12 which provides two distinct methods for acquiring ventilator parameters and settings. Allowing for the acquiring of parameters and settings as claimed in the present claimed invention enables both periodic monitoring of a patient to create a time line of data as well as immediate acquisition of data upon receipt of a user command. This enables a medical professional to review a history of the patient as well as obtain immediate parameter readings and ventilator device settings used in operating the ventilator in providing treatment to a patient, for example.

Additionally, Reuss neither discloses nor suggests “a device for prioritizing received ventilator parameters **and settings** for display in a desired order and for allocating an attribute to distinguish changed ventilator parameters and settings” as in the present claimed invention. Rather, Reuss in Column 15, lines 4-8 cited by the Examiner describes selecting messages to be removed from memory “based upon age of the message, whether it has been read, and the priority of a medical alert (if any) associated with it.” Reuss et al. is not concerned with prioritizing received ventilator parameters and settings for display in a desired order. Reuss et al. is concerned with removing messages

from it's memory when the message memory in the remote access device is becoming full. This is unlike the present claimed invention which prioritizes ventilator parameters and settings for display in a desired order. Prioritizing the display of the ventilator parameters and settings as claimed in the present invention advantageously provides users with an easy and recognizable display for analyzing the received parameters and settings. Reuss is also silent with respect to the feature of "allocating an attribute to distinguish changed ventilator parameters and settings" as in the present claimed invention.

Furthermore, Reuss neither discloses nor suggests "a display generator for initiating generation of data representing a display of prioritized ventilator parameters and settings in the desired order and attributes for distinguishing the changed ventilator parameters **and settings**" as in the present claimed invention. While Reuss in Column 3, lines 46-60, Column 7, lines 27-43 and Column 15, lines 4-8 as cited by the Examiner describes displaying therapy status data at a patient monitor, a description of therapy status data and message server task maintenance respectively, none of the passages teach prioritizing ventilator parameters and settings for display and thus it is respectfully submitted that Reuss et al. could therefore neither disclose nor suggest "initiating generation of data representing a display of prioritized ventilator parameters and settings in the desired order and attributes for distinguishing the changed ventilator parameters" as in the present claimed invention.

Additionally, while Reuss teaches in column 3, line 60 a "hardwired or wireless network connection to the remote devices of the caregivers," this does not provide 35 USC 112 enabling disclosure of an "internet compatible system" as in the present claimed invention. The reference needs to be looked at in it's totality, and a hardwired or wireless network connection to remote devices used in a clinical or hospital setting does not necessarily imply an "internet compatible system" as used in the present invention.

In view of the above remarks, it is respectfully submitted that Reuss does not anticipate the present invention as claimed in Independent claims 1 and 12. It is thus, further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 2, 4-11, 13 and 15-22 under 35 USC § 103(a)

Claims 2, 4-11, 13 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuss et al. (U.S. Patent No. 6,406,426 B1) in view of Schulman et al. (U.S. Patent No. 2001/0030664 A1).

Schulman describes a subscriber device which is able to notify viewers of messages or dialogue representing events for their review. The events may include critical messages, news, announcements, requests from others, etc. Icons displayed on a television screen indicate the messages. When an icon is to be displayed, the interactivity level or message severity is determined. The configuration of the icon depends on the type and context of the message. Similarly to Reuss, Schulman neither discloses nor suggests “acquiring ventilator parameters and settings associated with a patient on a substantially periodic basis and in response to a user command” as claimed in independent claims 1 and 12. Schulman is not concerned with acquiring ventilator data, nor is Schulman concerned with acquiring data on a periodic basis and in response to a user command as claimed in claims 1 and 12. Schulman is concerned with indicating when a message or dialogue is available for review and displaying an icon related to the specific message or dialog.

Schulman, also like Reuss, neither discloses nor suggests “prioritizing received ventilator parameters and settings for display in a desired order and for allocating an attribute to distinguish changed ventilator parameters and settings” as claimed in independent claims 1 and 12. Schulman (with Reuss) is able to determine the criticality of a message based upon its context. However, Schulman (with Reuss) is not concerned with displaying ventilator parameters and settings according to a determined priority for distinguishing changed ventilator parameters and settings as in the present claimed invention. Schulman, as discussed above, only determines the severity of a message based upon its context, and displays a “SmartIcon” to indicate certain features of the received message. Schulman (with Reuss) does not teach (and provides no 35 USC 112

enabling disclosure of) prioritizing any received parameters and settings, let alone prioritizing received ventilator parameters and settings for display as in the present claimed invention.

Regarding claims 2, 6, 13 and 17, Schulman discloses use of different colors to show the status of various systems and components of the network. However, Schulman (with Reuss) neither discloses nor suggests utilizing a different color to distinguish a changed ventilator parameter and setting as in the present claimed invention. Schulman discloses using different colors to convey the status of various systems and components of the network. However, Schulman (with Reuss) is not concerned with the changing of ventilator parameters and settings and neither discloses nor suggests displaying the attribute in a different color when a change in ventilator parameters and settings is determined, as in the present claimed invention.

Regarding claims 4 and 15, the passages in Reuss cited by the Examiner only recite parameters which can be monitored and transmission of data to patient monitors. These passages neither disclose nor suggest “the display generator generates data representing a window for displaying said ordered ventilator parameters and settings in a first window” as in the present claimed invention. These features are also neither disclosed nor suggested by Schulman with Reuss.

With respect to claims 5 and 16, Schulman, similarly to Reuss, neither discloses nor suggests “a display generator comprises an Internet browser” as in the present claimed invention. The passages of Reuss cited in the Office Action disclose various remote access devices, but not an Internet browser. Also, as admitted in the Office Action dated March 15, 2004, Reuss does not incorporate an Internet browser. This feature is also neither disclosed nor suggested by Schulman.

Regarding claims 7, 8, 18 and 19, the passages in Reuss cited by the Examiner merely disclose the maintenance and removal of messages from the memory of the remote access device and how the mailbox operates as a first-in, first-out buffer by

maintaining the temporal order of messages sent and removed from it. These passages neither disclose nor suggest “the device, in response to the user command, acquires a new set of ventilator parameters and settings,” or “the device prioritizes the received ventilation unit parameters and settings for display in a desired order in response to a second user command” as in the present claimed invention. These features are also neither disclosed nor suggested by Schulman with Reuss. Thus, it is submitted the present invention as claimed in claims 7, 8, 18 and 19 is patentable and withdrawal of their Rejection is respectfully requested.

Claims 9 and 20 recite “the second user command comprises selection of a filtered list.” The Office Action cites column 17, lines 6-14 of Reuss in support of this contention. However, this passage describes other parameters and waveforms that can be monitored by the system. There is no mention or even suggestion in this passage of a second user command or of a filtered list, thus this passage neither discloses nor suggests “the second user command comprises selection of a filtered list” as in the present claimed invention. This feature is also neither disclosed nor suggested by Schulman with Reuss and thus, the present invention as claimed in claims 9 and 20 are patentable.

Claims 10 and 21 recite “the second user command comprises creation of a set of values for selected parameters and settings.” Similarly to Reuss, Schulman neither discloses nor suggests this feature. The passages of Reuss cited in the Office Action disclose parameters which can be monitored and transmission of data to patient monitors as well as message memory maintenance for the remote access devices. These passages neither disclose nor suggest “the second user command comprises creation of a set of values for selected parameters and settings” as in the present claimed invention. Therefore, it is respectfully submitted that claims 10 and 21 are also patentable in view of Reuss and Schulman.

Dependent claim 11 is considered to be patentable for reasons given in connection with claim 1 and because of dependence on claim 1.

It is also respectfully submitted that there is no reason or motivation to combine Reuss with Schulman. Reuss describes a system that is able to notify the central monitoring system upon receiving an alert signal. Schulman describes displaying icons on a television screen to notify viewers of messages or dialogue representing events for their review. Reuss deals with medical alert systems, while Schulman, on the other hand, deals with electronic entertainment devices. These two systems as well as the associated problems recognized by these systems are concerned with completely different technical fields and deal with completely different problems and thus, there would be no reason or motivation to combine these references. Additionally, as the present claimed invention is concerned with the processing and display of ventilator information in a network environment, there is no recognition of the problem addressed by the present claimed invention by either Reuss or Schulman.

Even if there was a motivation to combine these two references, the combination of the systems disclosed by Reuss and Schulman as suggested in the Office Action results in a system wherein an icon is displayed representing a received alert when an alert is issued to a remote access device. Such a combined system neither discloses nor suggests “an internet compatible system for displaying medical information derived from a plurality of sources” as in the present claimed invention. The system resulting from the combination of Reuss and Schulman also neither discloses nor suggests “a communication network for acquiring ventilator parameters and settings associated with a patient on a substantially periodic basis and in response to a user command” as in the present claimed invention. Additionally, the combination of Reuss with Schulman neither discloses nor suggests “a device for prioritizing received ventilator parameters and settings for display in a desired order and for allocating an attribute to distinguish changed ventilator parameters and settings” as in the present claimed invention. In fact, any alert emitted by either Reuss or Schulman, alone or in combination with one another, occurs only after the value exceeds a predetermined threshold and not “to distinguish changed ventilator parameters and settings” as in the present claimed invention. Furthermore, the combination of Reuss with Schulman neither disclose nor suggest “a display generator for initiating generation of data representing a display of prioritized

ventilator parameters and settings in the desired order and attributes for distinguishing the changed ventilator parameters and settings” as in the present claimed invention.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure present in Reuss or Schulman, when taken alone or in combination, that makes the present claimed invention unpatentable. As claims 2 and 4-11 are dependent on independent claim 1 and claims 13 and 15-22 are dependent on independent claim 12, it is respectfully submitted that claims 2, 4-11, 13 and 15-22 are patentable for the reasons discussed above regarding independent claims 1 and 12. Thus, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner’s rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant’s attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 50-2828.

Respectfully submitted,
Amy M. Manetta

By: 

Jack Schwartz
Reg. No. 34,721

Jack Schwartz & Associates
1350 Broadway, Suite 1510
New York, New York 10018
Tel. No. (212) 971-0416
December 21, 2005



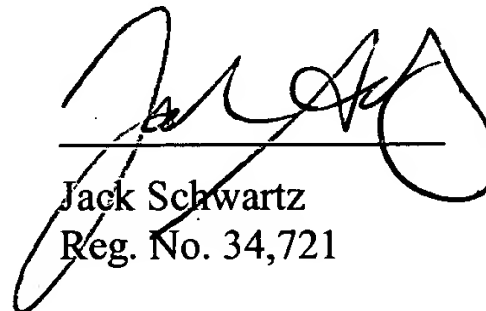
Application No. 09/805,970

Attorney Docket No. 2000P09097US01

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: December 21, 2005



Jack Schwartz
Reg. No. 34,721